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OPINION

MCC:MEM:all/2001V00598

(17)
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FILED
HARRISBURG, PA
SEP 12 2001
MARY E. D'ANDREA, CLERK
Per ~~Deputy Clerk~~

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JEROME SMITH,	:	
Plaintiff	:	Civil No. 1:CV-01-1026
v.	:	(Judge Rambo)
UNITED STATES OF AMERICA,	:	(Magistrate Judge Smyser)
Defendant	:	

STATEMENT OF MATERIAL FACTS

1. Plaintiff, Jerome Smith, is currently serving a 100-month sentence of imprisonment for a 1996 conviction in the United States District Court for the Eastern District of Pennsylvania, at No. 2:95-CR-00467-1, for false statement in connection with acquisition of a firearm, in violation of 18 U.S.C. §922(a). R.4, 5.¹

2. Smith entered into the custody of the Federal Bureau of Prisons ("BOP") on November 8, 1995. R.10.

3. Smith was housed at the Federal Correctional Center at Ft. Dix, New Jersey ("FCI Ft. Dix") from September 30, 1996, until June 30, 2000. R.11.

¹ "R." refers to the Record to the Brief in Support of Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment.

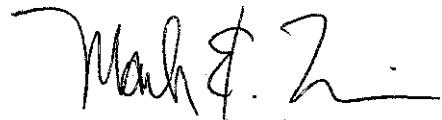
4. Smith has been housed at the Allenwood Federal Prison Camp in Montgomery, Pennsylvania, from July 5, 2000, to the present. Id.

5. On December 10, 1998, Smith slipped and fell in the UNICOR² business office at FCI Ft. Dix. R.14; Smith's complaint, p.3, ¶9, Exh.3.

6. Smith was "working within the scope of prison employment" for UNICOR at the time he slipped and fell. Smith's complaint, ¶¶8-9, Exh.3.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney



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Assistant U.S. Attorney

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Dated: September 12, 2001

² UNICOR is the trade name of the Federal Prison Industries, Inc. a government corporation that employs inmates in federal prisons.

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: (Magistrate Judge Smyser)
UNITED STATES OF AMERICA, :
Defendant :
:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 12th day of September, 2001, she served a copy of the attached

STATEMENT OF MATERIAL FACTS

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

ADDRESSEE:

Jerome Smith
Reg. No. 19145-018
FPC Allenwood
P.O. Box 1000
Montgomery, PA 17752



ANITA L. LIGHTNER
Paralegal Specialist